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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,733

02/23/2004

David C. Deaville

07703-408001 / WCR0145

2444

26211 7590 01/07/2008

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EXAMINER

MCCLAIN, GERALD

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

01/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

The reply filed on 1 November 2007 is not fully responsive to the prior Office Actions because of the following omission(s) or matter(s): no response was given regarding the rejections under 35 U.S.C. 102, 103, and 112 (from the 23 January 2007 Office Action). See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

The arguments in the reply filed on 1 November 2007 are not convincing. Regarding the arguments on pages 2-5, they are not persuasive since the reasons for restriction were proper in the 27 August 2007 Office Action.

Regarding the "independent" and "distinct" language in 37 C.F.R. § 1.145 for restrictions *after* first action on the merits, it is the same as 37 C.F.R. § 1.142 for restrictions *before* first action on the merits. The standard for restriction by original presentation is the same as restrictions before first action on the merits.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald W. McClain whose telephone number is (571)

Application/Control Number:
10/784,733
Art Unit: 3653

Page 3


272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald W. McClain
Examiner
Art Unit 3653



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